



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE.	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,607	09/20/1999	TY J. CASWELL	400.081US2	3600
26813	7590	11/17/2003	EXAMINER	
MUETING, RAASCH & GEBHARDT, P.A.			TON, DANG T	
P.O. BOX 581415			ART UNIT	
MINNEAPOLIS, MN 55458			PAPER NUMBER	

2666

DATE MAILED: 11/17/2003

36

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/400,607

Applicant(s)

CASWELL ET AL.

Examiner

DANG T TON

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>35</u> . | 6) <input type="checkbox"/> Other: _____. |

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/02/2003 has been entered.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2666

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of background invention of Chow or Chow(newly cited 5,644,629).

For claims 7,9,15,16,17,18, and 19,Long discloses a telephone circuit to control off-hook status during receipt of called ID signal comprising:

preprogramming method device with access parameters(see box 40 in figure 3B);

detecting a phone call(see box DAA in figure 3B);

receiving caller identification information without answering the phone call (see box 35 in figure 3B);

decoding caller identification information (see box 35 in figure 3B);

comparing caller identification information with access parameters to determine whether access is authorized(see box 41 in figure 3B);

if access is unauthorized using the answering machine respond in the normal fashion (see column 4 lines 50-51) ;

if access is authorized, enabling a connection to the telephone personal communications system (see column 4 lines 47-49) ;

a ring detector, connected to the telephone input port, for detecting incoming calls(see column 6 lines 61-61);

an off hook circuit connected to the telephone input port(see column 4 lines 66-68 and column 6 lines 11-12);

a multiplexer, connecting the decoder to the telephone input port and the dc holding circuit, for selecting telephone signals from the telephone input port for caller identification information decoding and from the dc holding circuit for personal communications system data decoding (see box 35,41 and RC1 and RC2 in figure 3B);

a controller, connected to the ring detector , off hook circuit and caller identification information decoder(see box 65 in figure 4);

a memory, connected to the controller, for storing the access matrix (see box 40 in figure 3B); and

wherein the controller being a processor(see box 65 in figure 4);

wherein the controller being combinational logic (see box 65 in figure 4);

a dc holding circuit, connected to the off hook circuit and the input port, for maintaining a connection with incoming telephone calls (see relays 1 and 2 in figure 3B and DC in figure 3C); and

a list of authorized/ unauthorized caller telephone numbers (see column 4 lines 52-54).

For claims 7,9,15,16,17,18, and 19,Long discloses all the subject matter of the claimed invention with the exception placing the telephone personal communications system off hook and then hanging up so as to prevent access to the telephone personal communications system. The background invention of Chow or Chow from the same or similar fields of endeavor teaches a provision of the automatic answering device will go off-hook, the present invention detects the off-hook signal, waits for a second or so, the breaks the connection to the incoming telephone lines, thus going quick on-hook to terminating the call. To the caller it will sound as if receiver was lift and immediately replaced (see column 2 lines 7-13). Chow also teach reject R these are unwanted calls that are terminated by going off-hook followed immediately by going on-hook. The phone does not ring in this preferred embodiment. Response to the calls could be program to be not answered at all (see column 8 lines 54-58). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the quick hang up as taught by the background invention of Chow or Chow in the communications network of Long. The quick hang up as taught by Chow can be modified/implemented into the

communications network Long by connecting the answering machine box 19 of Chow into the intelligent workstation box 69 of Long since Long has been suggested that the processing circuit then operates the relays connecting the telephone to the telephone system so the customer can either answer the call or ignore it or if there is an answering machine, let the answering machine respond in the normal fashion (see column 4 lines 47-51) and the intelligent workstation 69 has ability to store predetermined audio message (answering machine) to the calling party under the control of database program (see column 7 lines 54-57). The motivation for using the quick hang-up as taught by the background of invention of Chow or Chow in the communications network of Long being that it provides efficiency in call handling as well as improved call routing since it prevents the unauthorized callers get access to the telephone communication system.

For claims 8, 10, 11, 12, 13, and 14 Long and Chow disclose all the subject with the exception of a list of authorized/unauthorized caller names, a list of authorized times of day to call and a list of authorized day to accept the calls in the communications network. However, programming authorized/unauthorized caller names, authorized times of day to call and authorized day to accept the calls in the communications network well-known in the art. Thus, it would have been obvious to the person of ordinary skill in the art at

the time of the invention to program the list of authorized/unauthorized caller names, the list of authorized times of day to call and the list of authorized day to accept the calls in the communications network of Long and Chow. Programming the list of authorized/unauthorized caller names, the list of authorized times of day to call and the list of authorized day to accept the calls can be modified /implemented into the communications network of Long by programming the lists above into the memory of Long since long has the memory stored a list of either acceptable DNs or a list of unacceptable DNs(see column 4 lines 52-54). The motivation for using programming the list of authorized/unauthorized caller names, the list of authorized times of day to call and the list of authorized day to accept the calls in the communications network of Long and Chow being that it provides more security for the system since it prevents the callers got access to the telephone communications system based on authorization/unauthorization from the called party.

4. Applicant's arguments filed 9/02/2003 have been fully considered but they are not persuasive.

In the remarks of 9/02/2003, applicant traverses the rejection for the same reason argued in the remarks filed 3/17/2003. Applicant traverses the rejection of claims 7-19 under 35 U.S.C 103. The traversal is based on the ground that

there is no suggestion , either in the references them shelf or in the knowledge generally available to one of ordinary skill in the art to modify Long with Chow. For example, Long teaches hang up by the calling party and Chow teaches hang up by the called party. This argument is not found to be persuasive . Examiner agreed with applicant's attorney that Long teaches the hang up by the calling party. However, Long does suggested that the intelligent workstation 69 at the called party has ability to store predetermined audio and transmit a selected message to the calling party under control of the database program. The IWS unit 69 preferable can send and receive facsimile, voice and data signals (such as answering machine) also under control of the applicant program. The details of the IWS 69, which are known in the art (see column 7 lines 54-62). Long also suggest that the called party either answer the call or ignore it or if there is an answering machine, let the answering respond in the normal fashion (see column 4 lines 49-51). Chow or background of Chow do teach quick hang up by the answering machine at the called party (see column 2 lines 7-14 and column 8 lines 54-58). Therefor it is proper to use the teaching of the quick hang up by the answering machine at the called party as taught by Chow or the background invention of Chow into the network of Long since Long reference does suggest the function the IWS 69 can be used as the answering machine which terminates the call at the called party. The principle of teach of Long and Chow are

similar since they do teach CID which allows certain number to get access to the telephone system. The only difference between Long and Chow references is where the call would be terminated. However, Long does suggested that the IWS can be used as the answering machine which terminated the call at the called party as taught by Chow.

5. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

Art Unit: 2666

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T TON whose telephone number is 703-305-4739. The examiner can normally be reached on MON-WED, 5:30 AM-6:00 PM and Thur 5:30-9:30 A.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on 703-308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

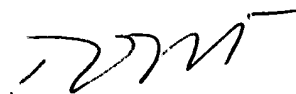
Application/Control Number: 09/400,607

Page 11

Art Unit: 2666

D. Ton

November 10, 2003



DANG TON
PRIMARY EXAMINER